IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Crl. Misc. No. 53962-M of 2006

DATE OF DECISION : 05.12.2006

Madan Mohan Bajaj

.... PETITIONER

Versus

State of Punjab and another

..... RESPONDENTS

CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL

Present: Mr. Satinder Khanna, Advocate,
for the petitioner.

Mr. N.S. Gill, AAG, Punjab.

None for respondent No.2.

Petitioner Madan Mohan Bajaj, apprehending his arrest in pursuance of non-bailable warrants issued by the trial court in complaint No. 144 dated 1.11.2003, RBT No. 104 dated 22.9.2005, titled Kusam Sharma versus Madan Mohan Bajaj, under Sections 500, 501, 504, 506, 419, 420, 120-B IPC, has filed this petition under Section 438 of the Code of Criminal Procedure for the grant of anticipatory bail.

In spite of service, no one is present on behalf of respondent No.2-complainant.

I have heard counsel for the petitioner and the State Counsel and have gone through the contents of the complaint.

Counsel for the petitioner contends that in the aforesaid complaint case, the petitioner was on regular bail and during the pendency of the said case, a compromise was arrived at between the parties and the complainant assured the petitioner that she will withdraw the complaint on the date fixed i.e. on 15.10.2005. Under the said impression, the petitioner went abroad and could not attend the proceedings on 15.10.2005, due to

which his bail bonds were cancelled and he was summoned through non-bailable warrants. Counsel contends that non-appearance of the petitioner on the said date was bonafide and unintentional and now in terms of the interim order dated September 08, 2006, passed by this Court, he has appeared before the trial court and furnished his fresh regular bail bonds, which have been accepted and attested and since then, he has been regularly appearing.

In view of the above, without commenting on the merits, the interim bail, granted vide order dated September 08, 2006, is made absolute.

Disposed of accordingly.

December 05, 2006 **(SATISH KUMAR MITTAL)**
ndj **JUDGE**